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EXAMINER

BORISOV, IGOR N

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,633

Applicant(s)

MCKINNEY, JERRY L.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

Amendment received on 7/22/2005 is acknowledged and entered. Claims 1, 3, 20, 22, 24, 27, 29, 34, 37, 39, 61, 65, 75 and 84-86 have been amended. Claims 1-88 are currently pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 75-88 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly amended Claim 75 (page 18, line 6) includes the following limitation not disclosed in the specification: "Permanently mounting one or more electronic sensors...". The specification does not disclose that said sensors are mounted permanently. The remaining Claims are rejected as being dependent on the rejected Claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, 12-18, 20-22, 24-35, 37-47, 49-56, 58-63, 61-83 and 85-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody (US 2002/0143596) in view of Witts et al. (US 4,401,994).

Independent Claims

Claim 1. Carmody teaches a method for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

providing a system which provides services related to the monitoring and reporting operational equipment status of a plurality of wastewater treatment systems [0072];

electronically monitoring for operational equipment status of a plurality of wastewater treatment systems [0072];

electronically notifying, via a web site, service companies of operational problems detected at each of said plurality of wastewater treatment systems [0088];

setting up an appointment for service personnel [0124];

determining a date and time associated with service conducted by service personnel at each of said plurality of wastewater treatment systems [0129]; [0130]; [0132];

electronically storing inspection data related to scheduled inspections for each of said plurality of wastewater treatment systems [0115] – [0119];

generating a report for said regulatory (governmental) entity related to compliance with said scheduled inspection and timely repairs for each of said plurality of wastewater treatment systems based on said inspection data, said operational data, and said time data [0069]; [0074];

enabling selective generation of said report by said regulatory body utilizing said website [0069]; [0131];

providing an inspection schedule for said plurality of wastewater treatment

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systems that is accessible through said computer network presence by said one or more service companies [0119] – [0124].

Carmody does not specifically teach electronically detecting a physical presence or a physical absence of service personnel at each of said plurality of wastewater treatment systems; and producing digital data representative of said physical presence or physical absence of said service personnel as a result of said step of electronically detecting a physical presence or a physical absence of service personnel.

Witts et al. (Witts) teaches a method for monitoring time spent by employees in an industrial establishment, including providing, in proximity to an industrial establishment, an electronic reader for generating electronic data representing working time of employees in said industrial establishment (C. 2, L. 35-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include that said collected data is generated by electronic sensors, said data representing working time of employees in said industrial establishment, as disclosed in Witts, because it would advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Also, Carmody and Witts do not specifically teach that said system is a third party system.

However, Carmody's teachings indicate that the performance of said system is independent from: *the content of said information received from plurality of wastewater treatment systems*, and *actions taken by said regulatory (government) entity* which obtains reports from said system, said reports utilizing said received information [0053] – [0056].

Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody in view of Witts to include

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that said system is a third-party system, because it would advantageously enhance the reliability and truthfulness of said systems reports.

Claim 12. Carmody teaches a system for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

means for monitoring operational equipment status of a plurality of wastewater treatment systems [0072];

means for determining a date and time associated with service conducted by service personnel at each of said plurality of wastewater treatment systems [0129]; [0130]; [0132];

means for electronically storing inspection data related to scheduled inspections for each of said plurality of wastewater treatment systems [0115]; [0119];

a web server configured to generate a report for a regulatory (governmental) entity related to compliance with said scheduled inspection and timely repairs for each of said plurality of wastewater treatment systems based on said inspection data, said operational data, and said time data [0069]; [0074].

Carmody does not specifically teach means for detecting a physical presence of service personnel and time of said presence.

Witts teaches a system for monitoring time spent by employees in an industrial establishment, including an electronic reader physically provided for monitoring working time of employees in said industrial establishment (C. 2, L. 35-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include an electronic reader for detecting a physical presence of a worker in said industrial establishment as disclosed in Witts, because it would advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

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Claim 20. Carmody teaches said system for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

electronic monitoring means for automatically producing operational data related to operation of each of a plurality of wastewater treatment systems [0072];

data storage means for electronically storing said operational data, data regarding scheduled inspections of said plurality of wastewater treatment systems (pending service notices) [0119]; and data regarding the assigned service provider (a responsible party) [0114];

a web server configured to generate a web site accessible by a computer of a regulatory body/government agency [0075], said server further configured to generate reports regarding compliance with said scheduled inspections, operational data and responsible parties [0094]; [0131]; [0074].

Carmody does not specifically teach *electronic monitors physically positioned* at each of said plurality of environmental equipment systems for automatically producing operational data related to operation of each of a plurality of wastewater treatment systems.

Witts teaches said system for monitoring time spent by employees in an industrial establishment, including an electronic reader physically provided for monitoring working time of employees in said industrial establishment (C. 2, L. 35-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include an electronic reader for detecting a physical presence of a worker in said industrial establishment as disclosed in Witts, because it would advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

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Claim 27. Carmody teaches said method for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

Interconnecting a plurality of wastewater treatment systems with one or more computers [0094];

receiving digital operational data from each of said plurality of wastewater treatment systems [0119];

storing said digital operational data from received from each of said plurality of wastewater treatment systems [0119];

electronically, via a web server, connecting to one or more computers of a regulatory (governmental) entity [0092]; and

communicating via said web server with said computers of said regulatory (governmental) entity relating said received data [0092].

Carmody does not specifically teach *providing one or more electronic sensors* at each of said plurality of environmental equipment systems to detect one or more physical phenomena.

Witts teaches said method for monitoring time spent by employees in an industrial establishment, including providing an electronic reader for monitoring working time of employees (one or more physical phenomena) in said industrial establishment (C. 2, L. 35-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include providing an electronic reader for detecting a physical presence of a worker in said industrial establishment as disclosed in Witts, because it would advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

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Claim 39. Carmody teaches said method for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

collecting operational data regarding each of a plurality of wastewater treatment systems [0072];

storing said operational data regarding each of a plurality of wastewater treatment systems [0119];

generating a system website [0092]; and

providing access to said system website by said regulatory body/government agency to retrieve information (reports) regarding said operational equipment status of each of said plurality of wastewater treatment systems [0092]; [0075].

Carmody does not specifically teach that said operational data *is generated by electronic sensor equipment* at each of said plurality of environmental equipment systems.

Witts teaches said method for monitoring time spent by employees in an industrial establishment, including providing an electronic reader for generating electronic data representing working time of employees in said industrial establishment (C. 2, L. 35-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include that said collected data *is generated by electronic sensor equipment* at said industrial establishment as disclosed in Witts, because it would advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Claim 49. Carmody teaches said method for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

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monitoring operational equipment status of a plurality of private wastewater treatment systems [0072];

determining a date and time associated with service conducted by service personnel at each of said plurality of wastewater treatment systems [0129]; [0130]; [0132];

storing inspection data related to scheduled inspections for each of said plurality of wastewater treatment systems [0115]; [0119];

electronically generating reports related to compliance with said scheduled inspection and timely repairs for each of said plurality of wastewater treatment systems based on said inspection data, said operational data, and said time data [0069]; [0074].

Carmody does not specifically teach producing personnel data related to a physical presence of service personnel at each of said plurality of equipment system.

Witts teaches said method for monitoring time spent by employees at a place of work, including providing an electronic reader for generating electronic data representing working time of employees at said place of work (C. 2, L. 35-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include producing personnel data related to a physical presence of service personnel at said place of work as disclosed in Witts, because it would advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Claim 58. Carmody teaches said method for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

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providing a system which provides services related to the monitoring and reporting operational equipment status of a plurality of wastewater treatment systems [0072];

electronically obtaining operational equipment status of a plurality of wastewater treatment systems [0072];

determining a date and time associated with service conducted by service personnel at each of said plurality of wastewater treatment systems [0129]; [0130]; [0132];

providing an inspection schedule for said plurality of wastewater treatment systems that is accessible through said computer network presence by said one or more service companies [0119]; [0124].

Carmody does not specifically teach producing personnel data related to a physical presence of service personnel at said environmental equipment system; and providing clock data related to said personnel data.

Witts teaches said method for monitoring time spent by employees at a place of work, including providing an electronic reader for generating electronic data representing working time of employees at said place of work (C. 2, L. 35-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include producing personnel data related to a physical presence of service personnel at said environmental equipment system; and providing clock data related to said personnel data as disclosed in Witts, because it would advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Also, Carmody in view of Witts do not specifically teach that said system is a third party system.

However, Carmody's teachings indicate that the performance of said system is independent from: *the content of said information received from plurality of wastewater treatment systems, and actions taken by said regulatory*

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(government) entity which obtains reports from said system, said reports utilizing said received information [0053] – [0056].

Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody in view of Witts to include that said system is a third-party system, because it would advantageously enhance the reliability and truthfulness of said systems reports.

Claim 65. Carmody teaches said system for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

means for monitoring operational equipment status of a plurality of wastewater treatment systems [0072];

means for determining a date and time associated with service conducted by service personnel at each of said plurality of wastewater treatment systems [0129]; [0130]; [0132];

means for electronically storing inspection data related to scheduled inspections for each of said plurality of wastewater treatment systems [0115]; [0119];

a computer network being operable to communicate said stored data to a computer of a regulatory (governmental) entity [0069]; [0074].

Carmody does not specifically teach a physical presence detector for producing personnel data which verify the physical presence of service personnel; and a clock for providing clock data related to said personnel data.

Witts teaches said system for monitoring time spent by employees in an industrial establishment, including an electronic reader provided for monitoring working time of employees in said industrial establishment (C. 2, L. 35-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include an electronic reader for detecting a physical presence of a worker in said industrial establishment as disclosed in Witts, because it would advantageously allow to electronically record

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time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Claim 75. Carmody teaches said method for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

electronically producing, sending and receiving operational data, said data including date and time of servicing of each of a plurality of wastewater treatment systems by a system computer [0119]; [0129];

storing said received said data including date and time of servicing of each of a plurality of wastewater treatment systems by a system computer [0119]; [0129];

providing a report from said system to a regulatory (government) entity regarding said received information regarding operational equipment status, including date and time of servicing of each of a plurality of wastewater treatment systems [0073]; [0074].

Carmody does not specifically teach mounting one or more electronic sensors proximal to each of said plurality of environmental equipment systems; and electronically detecting physical phenomena related to servicing said plurality of environment systems with said one or more electronic sensors so as electronically transform said physical phenomena into digital data related to timely servicing of said plurality of environment systems.

Witts teaches said method for monitoring time spent by employees in an industrial establishment, including providing in proximity to an industrial establishment a wall mounted electronic reader for generating electronic data representing working time of employees in said industrial establishment (C. 2, L. 35-58). The term "wall mounted" indicates capability of attaching said that said reader to the wall permanently.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include that said collected

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data is generated by electronic sensors mounted in proximity to said industrial establishment for generating digital data representing working time of employees in said industrial establishment, as disclosed in Witts, because it would advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Also, Carmody and Witts do not specifically teach that said system is a third party system.

However, Carmody's teachings indicate that the performance of said system is independent from: *the content of said information received from plurality of wastewater treatment systems, and actions taken by said regulatory (government) entity* which obtains reports from said system, said reports utilizing said received information [0053] – [0056].

Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody in view of Witts to include that said system is a third-party system, because it would advantageously enhance the reliability and truthfulness of said systems reports.

Furthermore, the term "*wall mounted*" in Witts indicates capability of attaching said reader to the wall permanently. It is old and well known that permanently attached structure last longer than temporarily connection. Therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody in view of Witts to include that said wall mounted reader, disclosed in Witts, is permanently mounted of said wall, because it would advantageously provide a reliable, long lasting operation of said device.

Dependent Claims

Furthermore, Carmody teaches:

Claim 2, said method, wherein said system provides notice of noncompliance (certification) with scheduled inspection [0074].

Claim 3, electronically storing operational status data, inspection data related to scheduled inspections for each of said plurality of wastewater treatment systems, and generating a report [0074]; [0115]; [0119].

Claim 4, generating a website operable for selectively providing said inspection data, said operational data, and said time data to respective computers of said one or more service companies and said regulatory body [0088]; [0097].

Claim 5, enabling generation of a desired (selected) report [0073].

Claim 6, enabling generation of a desired report, thereby indicating a desired format for said report [0073],

Claim 7, providing an inspection schedule for said wastewater treatment systems over the web page, accessible by service companies [0088].

Claim 9. Witts teaches providing an electronic reader adjacent a working place to be activated by a respective identifier carried by a service personnel for recording said physical presence (C. 2, L. 35-58). The motivation to combine Carmody and Witts would be to advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Claim 13. Carmody in view of Witts teach all the limitations of claim 13, except specifically teaching that that said system is a third party system.

However, Carmody's teachings indicate that the performance of said system is independent from: *the content of said information received from plurality of wastewater treatment systems, and actions taken by said regulatory (government) entity* which obtains reports from said system, said reports utilizing said received information [0053] – [0056]. Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody and Witts to include that said system is a third-party system, because it would advantageously enhance the reliability of the systems reports.

Claims 14 and 31. Witts teaches providing clock data regarding presence of service personnel at the service site (C. 2, L. 35-58). The motivation to

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combine Carmody and Witts would be to advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Carmody teaches:

Claim 15, said system, wherein said storing means is utilized for storing data related to noncompliance (responsibility) with scheduled inspection [0074].

Claim 16, said system, wherein said data related to noncompliance (responsibility) includes contact information [0079]; [0104].

Claim 17, said system including a web server [0094].

Claim 18, said web server configured to utilize said information related to compliance data and to generate a desired (selected) report indicating incompliance with scheduled servicing of said wastewater treatment systems [0094]; [0075].

Claims 21 and 32. Carmody's teachings indicate that the performance of said system is independent from: *the content of said information received from plurality of wastewater treatment systems*, and *actions taken by said regulatory (government) entity* which obtains reports from said system, said reports utilizing said received information [0053] – [0056]. Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody and Witts to include that said system is a third-party system, because it would advantageously enhance the reliability of the systems reports.

Claims 22 and 42. Generating reports relating to compliance with scheduled inspections, timely maintenance and service events for said wastewater treatment systems [0073]; [0065].

Claim 24. Said system including printing means for providing reports over regular mail [0126].

Claim 25. Said system, wherein said data includes ownership information of said responsible parties [0079]; [0104].

Claims 26, 47 and 50, Witts teaches obtaining data regarding physical presence of service personnel at servicing equipment site (C. 2, L. 35-58). The

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motivation to combine Carmody and Witts would be to advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Carmody teaches:

Claim 28. Enabling a network connection to said one or more computers of a regulatory (governmental) entity [0092].

Claim 29. Utilizing said information by regulatory body/government agency for generating reports regarding said plurality of wastewater treatment systems [0073]; [0074].

Claim 30. Generating reports relating to compliance with scheduled inspections, timely maintenance and service events for said wastewater treatment systems [0075]; [0065].

Claims 33 and 80. Storing contact data related to communicating with POWTS owners (responsible parties) [0075]; [0104].

Claim 34. Said method wherein said received data includes data related to operational equipment status data, data regarding scheduled inspections of said plurality of wastewater treatment systems [0119]; and data regarding the assigned service provider (related to system inspection and repairs) [0114].

Claims 35 and 83. Comparing data and time of servicing the equipment with a threshold set in the system for various servicing events; generating notification identifying the system as having exceeded the threshold (noncompliance) [0072]. Witts teaches obtaining data regarding physical presence of service personnel at servicing equipment site (C. 2, L. 14-18). The motivation to combine Carmody and Witts would be to advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Claims 37 and 85. Carmody teaches monitoring the service history of each wastewater treatment system [0072]. Carmody and Witts do not specifically

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teach that said service history includes a record of when said wastewater treatment system starts initial operation for a first time or after a shutdown wherein repairs are made. However, Carmody does teach that improper servicing and maintenance of wastewater treatment systems can pose a serious threat to both public health and the environment [0052]. Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody and Witts to include that said service history includes a record of when said wastewater treatment system starts initial operation for a first time or after a shutdown wherein repairs are made, because a comprehensive monitoring of said wastewater treatment systems would advantageously ensure the compliance with service requirements for said wastewater treatment systems, thereby ensure the avoidance of damage made to public health and the environment.

Claims 38 and 86. Witts teaches obtaining data regarding physical presence of service personnel at servicing equipment site (C. 2, L. 35-58). The motivation to combine Carmody and Witts would be to advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Carmody and Witts do not specifically teach that said service history includes a record of when said wastewater treatment system starts initial operation for a first time or after a shutdown wherein repairs are made. However, Carmody does teach that improper servicing and maintenance of wastewater treatment systems can pose a serious threat to both public health and the environment [0052]. Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody and Witts to include that said service history includes a record of when said wastewater treatment system starts initial operation for a first time or after a shutdown wherein repairs are made, because a comprehensive monitoring of said wastewater treatment systems would advantageously ensure the compliance

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with service requirements for said wastewater treatment systems, thereby ensure the avoidance of damage made to public health and the environment.

Carmody teaches:

Claim 40. Providing access to said website by service companies [0088].

Claim 41. Utilizing said information by regulatory body/government agency for generating reports regarding said plurality of wastewater treatment systems [0073]; [0074].

Claim 43. Generating reports relating to non-compliance with scheduled inspections, timely maintenance and service events for said wastewater treatment systems, including data related to communicating with POWTS owners (responsible parties) [0075]; [0065].

Claim 44. Said method as in claim 43, wherein said data includes address information of said responsible parties [0079]; [0104].

Claim 45. Storing data related to communication with POWTS owners (responsible parties) [0103].

Claim 46. Said data including data related to operational equipment status data, data regarding scheduled inspections of said plurality of wastewater treatment systems [0119]; and data regarding the assigned service provider (related to system inspection and repairs) [0114].

Claim 51. Carmody in view of Witts teach all the limitations of claim 51, except specifically teaching that that said system is a third party system. However, Carmody's teachings indicate that the performance of said system is independent from: *the content of said information received from plurality of wastewater treatment systems, and actions taken by said regulatory (government) entity* which obtains reports from said system, said reports utilizing said received information [0053] – [0056]. Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody and Witts to include that said system is a third-party system, because it would advantageously enhance the reliability of the systems reports.

Carmody teaches:

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Claim 52, generating a website accessible by a regulator (governmental) entity [0088]; [0097].

Claim 53, generating reports related to compliance with scheduled inspections and servicing of said wastewater treatment systems [0074].

Claim 54, generating notices related to noncompliance with scheduled inspections and servicing said wastewater treatment systems [0074].

Claims 55, 56, 73 and 74. Witts teaches obtaining data regarding physical presence of service personnel at servicing equipment site (C. 2, L. 35-58). The motivation to combine Carmody and Witts would be to advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48). Carmody and Witts do not specifically teach that said service history includes a record of when said wastewater treatment system starts initial operation for a first time or after a shutdown wherein repairs are made. However, Carmody does teach that improper servicing and maintenance of wastewater treatment systems can pose a serious threat to both public health and the environment [0052]. Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody and Witts to include that said service history includes a record of when said wastewater treatment system starts initial operation for a first time or after a shutdown wherein repairs are made, because a comprehensive monitoring of said wastewater treatment systems would advantageously ensure the compliance with service requirements for said wastewater treatment systems, thereby ensure the avoidance of damage made to public health and the environment.

Furthermore, Carmody teaches:

Claim 59, generating a website operable for selectively providing said inspection data, said operational data, and said time data to said regulator (governmental) entity [0088]; [0097].

Claim 60, providing authorized access to said website by said system [0088].

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Claim 61, generating reports required by said regulator (governmental) entity [0073].

Claim 62, generating reports regarding compliance with scheduled inspection [0075].

Claim 63, generating noncompliance notices regarding noncompliance with scheduled inspection [0075].

Claims 66 and 68, Witts teaches storing means for storing clock data regarding presence of service personnel at the service site (C. 2, L. 35-58). The motivation to combine Carmody and Witts would be to advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Furthermore, Carmody teaches:

Claim 67, said system which performance is independent from: *the content of said information received from plurality of wastewater treatment systems, and actions taken by said regulatory (government) entity* which obtains reports from said system, said reports utilizing said received information [0053] – [0056].

Claim 69, said system, wherein said storing means is utilized for storing data related to noncompliance (responsibility) with scheduled inspection [0074].

Claim 70, said system, wherein said data related to noncompliance (responsibility) includes contact information [0079]; [0104].

Claim 71, said system including a web server for generating a website accessible by regulatory (governmental) entity [0094].

Claim 72, said system, wherein said web server configured to utilize said information related to compliance data and to generate a desired (selected) report indicating incompliance with scheduled servicing of said wastewater treatment systems [0094]; [0075].

Claim 76. Interconnecting a system web server with computers of said regulatory (governmental) entity [0092].

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Claim 77. Generating information (reports) relating to non-compliance for said wastewater treatment systems, and providing accesses to said information online to all parties [0075]; [0065].

Claim 78. Generating reports relating to compliance with scheduled inspections, timely maintenance and service events for said wastewater treatment systems [0075]; [0065].

Claims 79 and 82. Witts teaches obtaining data regarding physical presence of service personnel at servicing equipment site (C. 2, L. 35-58). The motivation to combine Carmody and Witts would be to advantageously allow to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

Claim 81. Said data as in claim 80, further including address information of said parties [0079]; [0104].

Claim 87. Said method wherein said environmental equipment systems comprise one or more wastewater treatment systems [0072].

Claim 88. Said method, wherein said system provides notice of noncompliance (certification) with scheduled inspection [0074].

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody in view of Witts and further in view of Jurca (US 4,949,263).

Dependent Claim

Claim 8. Carmody and Witts teach all the limitations of **claim 8**, except specifically teaching that the step of detecting a physical presence includes using mechanical switches installed at the equipment.

Jurca teaches equipment monitoring method and system, wherein said monitoring system is activated by a working personnel by operation of a mechanical on-of switch at the beginning of a working shift, and deactivated at the end of the working shift (C. 5, L. 33-36).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody and Thomason to include using mechanical switches installed at the equipment, as disclosed in Jurca, because it would advantageously allow to use reliable and not expensive mechanisms, thereby save funds.

Claims 10-11, 19, 23, 36, 48, 57, 64 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody in view of Witts and further in view of Kahleck et al. (US 5,673,190).

Dependent Claims

Claims 10-11, 19, 23, 36, 48, 57 and 64. Carmody and Witts teach all the limitations of claims **10-11, 19, 23, 36, 48, 57 and 64**, except specifically teaching determining whether each service contract has been timely renewed.

Kahleck et al. (Kahleck) teaches multipurpose remote office machine management method and system, wherein scheduling of preventative maintenance and renewing a service contract is provided (C. 9, L. 46-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody and Witts to include scheduling of preventative maintenance and renewing a service contract, as disclosed in Kahleck, because it would advantageously allow to keep equipment in working condition.

Claim 84. Carmody and Witts teach all the limitations of claim 84, except specifically teaching that said system is a third party system.

However, Carmody's teachings indicate that the performance of said system is independent from: *the content of said information received from plurality of wastewater treatment systems, and actions taken by said regulatory (government) entity* which obtains reports from said system, said reports utilizing said received information.

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Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody and Witts to include that said system is a third-party system, because it would advantageously enhance the reliability of the systems reports.

Also, Carmody and Witts do not specifically teach determining whether each service contract has been timely renewed.

Kahleck teaches multipurpose remote office machine management method and system, wherein scheduling of preventative maintenance and renewing a service contract is provided (C. 9, L. 46-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Carmody and Witts to include scheduling of preventative maintenance and renewing a service contract, as disclosed in Kahleck, because it would advantageously allow to keep equipment in working condition.

Response to Arguments

In response to applicant's argument that Carmody does not teach electronic sensors, it is noted that Witts was applied for this feature. Specifically, Witts teaches said system for monitoring time spent by employees in an industrial establishment, including an electronic reader (sensor) provided for monitoring working time of employees in the industrial establishment (C. 2, L. 35-58).

In response to applicant's argument that Carmody does not teach a third party which to the regulatory agency, it is noted that Carmody teaches said system which collects information from plurality of wastewater treatment systems regarding operational equipment status of said plurality of wastewater treatment systems [0072]. Furthermore, Carmody's teachings indicate that the performance of said system is independent from: *the content of said information received from plurality of wastewater treatment systems, and actions taken by said regulatory*

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(government) entity which obtains reports from said system, said reports utilizing said received information [0053] – [0056]. Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Carmody and Witts to include that said system is a third-party system, because it would advantageously enhance the reliability of the systems reports.

In response to applicant's argument that Witts is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Witts discloses a personnel detection device which can be installed adjacent to the place of work, said device provides a digital and printed records of time an employee spends at the place of work. The examiner stipulates that Witts's device is reasonably pertinent to the problem of recording the physical presence of service personnel at the monitored location, with which the applicant is concerned. The motivation to combine references would be to electronically record time spent by the worker at said industrial establishment and to provide said worker with printed record of said recorded time (Witts, C. 1, L. 34-48).

In response to applicant's argument that Jurca is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Witts and Jurca both relate to detecting a physical presence of a worker. Jurca teaches said method and system for equipment monitoring, wherein said monitoring system is activated by a working personnel by operation of a mechanical on-of switch at the beginning

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of a working shift, and deactivated at the end of the working shift (C. 5, L. 33-36). The motivation to combine references would be to employ a reliable and inexpensive mechanisms, thereby save funds.

In response to applicant's argument that Kahleck is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Witts and Kahleck both relate to monitoring of preventive maintenance of equipment. The motivation to combine Carmody and Witts with Kahleck to include scheduling of preventative maintenance and renewing a service contract would be keeping said equipment in good working condition.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, Witts was issued more than 18 years prior to applicant's invention; devices of this type is well known and widely used for recording time of workers physical presence at the place of work. Therefore, Witts's device was well within the level of ordinary skill at the time the claimed invention was made. Applicant's invention merely places a well known device in a specific environment. Same reasoning applied to Jurca and Kahleck.

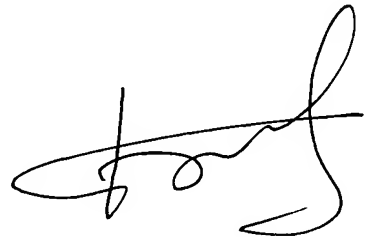
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Igor Borissov
Patent Examiner
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A handwritten signature in black ink, appearing to be 'Igor Borissov', written in a cursive style.

IB

7/27/2005